

21 C.J.S. Courts § 138

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Courts

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IV. Terms and Sessions

B. Terms

1. In General

§ 138. Duration of terms

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  65

A term of court continues until it is finally adjourned or expires by operation of law.

A term of court continues until it is finally adjourned or expires by operation of law.¹ The time for the expiration of a term of court by operation of law may be a definite date² fixed by an order made under constitutional or statutory authority for its termination.³

If the time of beginning—but not of ending—a term is fixed, the term, when it has been duly begun, will continue, and may for all general purposes be considered as in session, until it is adjourned sine die or, in the absence of a previous adjournment sine die, until the time fixed by law for the beginning of the next succeeding term.⁴

Footnotes

1 Tex.—Clayton v. Jobe, 71 S.W.2d 911 (Tex. Civ. App. Texarkana 1934), writ refused.

2 Ky.—Hinkle v. Rose, 233 Ky. 606, 26 S.W.2d 541 (1930).

3 Tex.—Ex parte Swindle, 133 Tex. Crim. 416, 111 S.W.2d 271 (1937).

4 Ark.—Alexander v. State, 268 Ark. 384, 598 S.W.2d 395 (1980).

Ga.—Kirk v. State, 194 Ga. App. 801, 392 S.E.2d 249 (1990).

Terms of superior court

A statute setting forth the terms of the superior court for a particular county as "Last Monday in January, first and second Mondays in February, second and third Mondays in August, and first and second Mondays in May and November" establishes four terms of court with starting dates of these terms being one of two or three dates rather than nine terms of court with some terms lasting only a week.

Ga.—Brooks v. State, 257 Ga. App. 515, 571 S.E.2d 504 (2002).

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